

UNITED STATES DISTRICT COURT

for the

District of Oregon

United States of America

v.

Case No.

6:20-MJ-00120-MK

Caleb Zink

*Defendant(s)***CRIMINAL COMPLAINT
BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 24, 2019 through May 22, 2020 in the county of Harney in the
 District of Oregon, the defendant(s) violated:*Code Section*

18 U.S.C. § 1073

Offense Description

Unlawful Flight to Avoid Prosecution

This criminal complaint is based on these facts:

Please see the affidavit of FBI, Special Agent Daniel Baringer, which is attached hereto and incorporated herein by this reference.

☒ Continued on the attached sheet./s/ Daniel Baringer, Per Rule 4.1*Complainant's signature*Daniel Baringer, FBI Special Agent*Printed name and title*Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
telephone at 2:53pm a.m./p.m.Date: 05/27/2020
*Judge's signature*City and state: Eugene, OregonMustafa T. Kasubhai, U.S. Magistrate Judge*Printed name and title*

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DISTRICT OF OREGON, ss:

AFFIDAVIT OF DAN F. BARINGER

**Affidavit in Support of an Application
for a Criminal Complaint**

I, Daniel F. Baringer, being duly sworn, do hereby depose and state as follows:

Introduction and Agent Background

1. I am a Special Agent of the Federal Bureau of Investigation (FBI), and have been so employed since October 2010. I am currently assigned to the Portland Division, Bend Resident Agency. In this capacity, I am responsible for investigating a variety of federal offenses. Prior to employment with the FBI, I was a commissioned Officer in the United States Army, where I attained the rank of Captain.

2. I submit this affidavit in support of an application for a criminal complaint for Caleb Zink for violations of Title 18 U.S. Code § 1073 Unlawful Flight to Avoid Prosecution.

3. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter. The facts set forth in this affidavit are based on my own personal knowledge, knowledge obtained from other individuals during my participation in this investigation, including other law enforcement officers, interviews of witnesses, a review of records related to this investigation, communications with others who have knowledge of the events and circumstances described herein, and information gained through my training and experience.

Applicable Law

4. Title 18 U.S. Code § 1073 Unlawful Flight to Avoid Prosecution, provides, in part, that “Whoever moves or travels in interstate or foreign commerce with intent either (1) to avoid prosecution, or custody or confinement after conviction, under the laws of the place from

which he flees, for a crime, or an attempt to commit a crime... which is a felony under the laws of the place from which the fugitive flees...shall be fined under this title or imprisoned not more than five years, or both.”.

Statement of Probable Cause

6. Between January 2018 and March 2018, Burns Police Department and Harney County Sheriff’s Office (HCSO) had multiple interactions with Caleb Zink, a resident of Harney County, Oregon. During these encounters, Zink was often combative, armed with firearms and espoused sovereign citizen ideology.

7. In the fall of 2018, the Burns, Oregon Department of Human Services (DHS) began an investigation into the treatment of Zink’s stepchildren. The investigation began due to complaints that the children were arriving to school unbathed and dirty. DHS initiated a protective action which relocated the children to their grandparents’ house.

8. In March 2019, another DHS investigation was initiated regarding Zink’s stepchildren. DHS and law enforcement interviewed Zink, who said the children were living with their grandparents. On March 30, 2019, Zink called BPD and requested that BPD Officer Pilon meet with him at Zink’s residence to talk about DHS. When Pilon arrived at Zink’s residence, Zink was wearing a tactical vest with multiple rifle magazines, a holstered pistol, and was holding an AR-15 on a sling. Zink was also wearing a stocking cap and balaclava mask. Zink told Pilon that Pilon needed to tell DHS to “stay the hell away” from his kids. Zink referred to DHS as “terrorists” and said “the next warning is going to be a 5.56 through someone’s dome.” I believe Zink was referring to the 5.56 mm round fired from an AR-15.

9. Shortly after these threats were made, DHS hired a private security guard for their building in Burns, Oregon. On April 3, 2019, DHS received an order from the Harney County District Court to remove Zink's stepchildren from the home. After DHS and HCSO picked the children up from school, Zink was notified of the order. He demanded that law enforcement come to his home. Members of HCSO and BPD went to Zink's residence at 456 West Buchanan Street, Burns, Oregon. I have reviewed body camera footage from the incident.

10. When Officers arrived at the residence, Zink was wearing tactical body armor, a black face mask, and was carrying an AR-15 slung around his neck. He also had one pistol on his vest and another on a leg holster. Zink confronted the Officers in an extremely aggressive manner, yelling "Why were my Goddamn kids kidnapped?!" Zink told Officers they had three seconds to answer his questions and began counting down from three. He told law enforcement he will operate under "Article 3" of the Constitution and referred to DHS as "fucking terrorists." At one point, Officer Pilon asked Zink to remove his hand from the AR-15, and Zink refused. Eventually, law enforcement forcibly arrested Zink. On September 24, 2019, Zink was found guilty of one count of Obstructing Governmental or Judicial Administration and two counts of Unlawful Use of a Weapon in Harney County Circuit Court. Zink was ordered by the Court to appear for sentencing the next week. When he failed to appear for sentencing, an all-states bench warrant was issued for his arrest.

11. On April 6, 2020, I applied for and was granted a warrant for Facebook user account "caleb.zink". On April 22, 2020, I received the results. The following paragraphs outline information contained in Zink's Facebook messages.

12. On October 23, 2019, Facebook user "caleb.zink", believed to be Caleb Zink,

wrote a message to Facebook user “Tiffany Dayze” saying “”I’m no longer within the reach of the court system in Oregon where they thought they could screw me though so there is that.”

13. On October 25, 2019, Facebook user “caleb.zink”, believed to be Caleb Zink, wrote a message to Facebook user “Serena Sumblin” saying “I thought about coming to Little Rock for a while to see you guys but I have something going where I’m at, I stood up to the domestic terrorist ‘Child Protective Services’ and told them if they came near my children I was going to treat them like the terrorist that they are and put a 5.56 right in there heads, you know I didn’t think 12 people could be that stupid and side with the D.A.” A subsequent message from “caleb.zink” to “Serena Sumblin” read “Yea, lets put it this way, a snowball has a better chance of surviving in Hell then I do of ever going back to that Godless Hell-hole.”

13. On October 25, 2019, Facebook user “caleb.zink”, believed to be Caleb Zink, sent a message to Facebook user “Reigna Wake”, believed to be Beth Zink, saying “you and I both know that Godless bastard was going to give me the full five years.” I believe that the “Godless bastard” Zink refers to is the Harney County Judge, as Zink’s exposure for sentencing on the state charges was five years.

14. Further analysis of the data provided by Facebook showed Zink appeared to be staying with relatives in Fort Smith, Arkansas. On May 22, 2020, law enforcement arrested Zink at 222 North 17th Street, Fort Smith, Arkansas. During the encounter, Zink resisted arrest and bit an FBI Task Force Officer on the hand. Zink continuously yelled that the FBI is not true law enforcement and that only a sheriff had law enforcement authority. Zink injured his hip during the arrest, and is currently in the hospital in Little Rock, Arkansas.

Conclusion

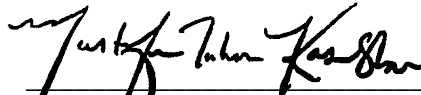
38. Based on the foregoing, I have probable cause to believe, and I do believe, that Caleb Zink committed a violation of Title 18 U.S. Code § 1073 Unlawful Flight to Avoid Prosecution

39. Prior to being submitted to the Court, this affidavit and the requested criminal complaint and arrest warrant were all reviewed by Assistant United States Attorney (AUSA) Helen Cooper. AUSA Cooper advised me that in her opinion, the affidavit sets forth sufficient probable cause to support the issuance of the criminal complaint and arrest warrant.

/s/ Daniel F. Baringer, Per Rule 4.1

Daniel F. Baringer
Special Agent, FBI

Sworn in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone at 2:53pm
a.m. / p.m. on May 27, 2020.



MUSTAFA T. KASUBHAI
United States Magistrate Judge